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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,328	11/10/2003	Shailesh B. Gandhi	N0484.70562US00	5106
23628 7590 04/07/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206				
EXAMINER				
PHAN, JOSEPH T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,328

Applicant(s)

GANDHI ET AL.

Examiner

JOSEPH T. PHAN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4, 5 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5 and 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/19/2009 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a personal computer residing in a user's home and/or the user's laptop computer) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

A 'personal computing system' as recited in the claims is broad enough to be interpreted as Begeja's users uses his computing system for 'personal' use and therefore is a personal computing system.

However, the phrase 'personal computer' (e.g. personal home computer or user's laptop) is different than a 'personal computing system' as recited in the claims.

It is noted, that a favorable outcome will be presented if the limitation above(features upon which applicant relies) is recited in the Independent claims 1, 25, and 30 below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 and 25 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Claims 1 and 25 line 7 recites "speech recognizing the user spoken utterance..." which is unclear and confusing as it is known how 'speech' alone can recognize utterance.

Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, and 21-35 rejected under 35 U.S.C. 102(b) as being anticipated by Begeja et al., Patent #6,243,445.

Regarding claim 1, Begeja teaches a method for remotely requesting information or services from a remote service server through a personal computing system, the method and means(Fig.1) comprising the steps of:
receiving, in the personal computing system(102 Fig.1), a telephone call from a user registered with the personal computing system (108 Fig.1 and col.2 lines 38-55);
wherein the personal computing system is personal to the user and the user does not pay for services provided by the personal computer system, wherein the personal computing system does not exercise administrative control over a plurality of clients, and wherein the personal computing system functions as a client with respect to the remote service server(*col.3 lines 1-57 and col.4 lines 34-48; Begeja's system does not exercise administrative control over a plurality of clients*);

receiving a user spoken utterance over the telephone call; speech recognizing the user spoken utterance to determine a request for information or a service(col.3 lines 1-14); formatting an electronic message according to the request; and sending the electronic message over a communications network to the remote service server(col.3 lines 1-14 and col.4 lines 34-48); receiving content in the personal computing system from the remote service server, converting the content to speech audio in the personal computing system; and playing the audio to the user over the telephone call(col.3 lines 15-57).

Regarding claim 2, Begeja teaches the method of claim 1 wherein said formatting step comprising building an electronic message to be sent over the Internet(col.3 lines 1-14 and col.4 lines 34-48).

Regarding claim 4 Begeja teaches the method of claim 1 wherein the request is a request to send an electronic mail, said method further comprising the steps of: receiving at least one additional user spoken utterance; and converting the at least one additional user spoken utterance to text, wherein said formatting step builds an electronic mail to be sent in said sending step and includes the speech recognized text in the electronic mail(col.3 lines 1-14 and col.4 lines 34-48).

Regarding claim 5, Begeja teaches the method of claim 1 wherein the request is a request to send an instant message, said method further comprising the steps of: receiving at least one additional user spoken utterance; and converting the at least one additional user spoken utterance to text, wherein said formatting step builds an instant message to be sent in said sending step and includes the speech recognized text in the instant message(col.3 lines 46-57).

Regarding claim 21, Begeja teaches the method of claim 1, wherein the personal

computing system includes a home computer in the user's home(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 22, Begeja teaches the method of claim 1, wherein the personal computing system is owned by the user(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 23, Begeja teaches the method of claim 1, wherein the personal computing system includes a portable computer(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 24, Begeja teaches the method of claim 1, wherein the user pays no fee to an owner of the personal computing system for access to the personal computing system(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 25, Begeja teaches at least one computer readable medium encoded with instructions that, when executed by at least one computer, perform a method for remotely requesting information and/or services from at least one remote service server through a personal computing system, the method comprising the steps of:

receiving, at the personal computing system, a telephone call from a user that is registered with the personal computing system and remotely located from the personal computing system;
receiving a user spoken utterance over the telephone call;

speech recognizing the user spoken utterance to determine a request for information and/or a service(col.3 lines 1-57 and col.4 lines 34-48);

formatting an electronic message according to the request; sending the electronic message over a communication network from the personal computing system to the at least one remote service server; receiving content at the personal computing system from the at least one remote service server; converting the content to speech audio at the personal computing system; and playing the audio to the user over the telephone call(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 26, Begeja teaches the least one computer readable medium of claim 25, wherein the personal computing system includes a home computer in the user's home(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 27, Begeja teaches the least one computer readable medium of claim 25, wherein the personal computing system is owned by the user(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 28, Begeja teaches the least one computer readable medium of claim 25, wherein the personal computing system includes a portable computer(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 29, Begeja teaches the least one computer readable medium of claim 25, wherein the user pays no fee to an owner of the personal computing system for access to the personal computing system(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 30, Begeja teaches a personal computing system for requesting information and/or services from at least one remote service server on behalf of a user remotely located from the personal computing system, the personal computing system comprising:

a telephone connection to receive a telephone call from the user remotely located from the personal computing system, the telephone connection capable of receiving a user spoken utterance over the telephone call; a speech recognizer to recognize the user spoken utterance to determine a request for information and/or a service(Fig.1 and col.2 lines 38-55);

at least one interface to format an electronic message according to the request;

a network connection connected to a communication network to send the electronic message from the personal computing system over the communication network to the at least one remote service server and to receive content from the at least one remote service server at the personal computing system; and a text-to-speech synthesizer to convert the content to speech audio and play the speech audio to the user over the telephone call(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 31, Begeja teaches the personal computing system of claim 30, wherein the personal computing system includes a home computer(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 32, Begeja teaches the personal computing system of claim 30, wherein the personal computing system includes a portable computer(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 33, Begeja teaches the method of claim 1, wherein the telephone call from the user is received at the user's home telephone number(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 34, Begeja teaches the at least one computer readable medium of claim 25, wherein the telephone call from the user is received at the user's home telephone number(col.3 lines 1-57 and col.4 lines 34-48).

Regarding claim 35, Begeja teaches the personal computing system of claim 30, wherein the telephone connection receives the telephone call from the user at the user's home telephone number(col.3 lines 1-57 and col.4 lines 34-48).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.